

**Introduced by Senator Chesbro**  
(Principal coauthor: Assembly Member Wiggins)

February 19, 2003

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An act to relating to public trust lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 296, as introduced, Chesbro. Public trust lands: Kaiser Steel development area.

Under existing law, the State Lands Commission in the Resources Agency administers all laws and statutes with respect to the transfer or exchange of state lands.

This bill would authorize the State Lands Commission to do all of the following:

(a) Convey to the City of Vallejo or the Vallejo Redevelopment Agency, by patent, any and all of the right, title, and interest held by the state to tide or submerged lands within the Kaiser Steel development area, as specified.

(b) Receive and accept on behalf of the state any land or any interest in land, conveyed to the state pursuant to this bill or any exchange, agreement, or adjustment authorized by this bill.

(c) Convey to the City of Vallejo by patent all of the right, title, and interest of the state in any land conveyed to the state within the Kaiser Steel development area, as described.

This bill would state the intent of the Legislature in enacting these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The parcel to which this act is applicable is described as follows, and shall be referred to in this act as the “Kaiser Steel Development Area”:

LAND DESCRIPTION

All of that land situated in the City of Vallejo, County of Solano, State of California within the area described as follows:

BEGINNING AT A POINT, said point being the intersection of the southeasterly line of Solano Boulevard with the centerline of Sonoma Boulevard, thence southwesterly along the southeasterly line of Solano Boulevard and the extension of said southeasterly line, S 54°21'37"W, 960.03 feet; Thence leaving said southeasterly line S 35°53'08"E, 296.83 feet; Thence S 52°27'37"W, 471.04 feet to the U.S. Pierhead and Bulkhead Line as shown on the Map of the Grant to the City of Vallejo, Chapter 63, Statutes of 1963, filed in Book 8, of Surveys, at Page 90 in the Office of the Solano County Recorder; Thence along said U.S. Pierhead and Bulkhead Line N 39°38'08"W, 2473.08 feet; Thence leaving said U.S. Pierhead and Bulkhead Line, N 50°21'52"E, 336 feet more or less, to the centerline of Curtola Parkway; Thence southeasterly along the centerline of Curtola Parkway to the intersection of the centerline of Sonoma Boulevard; Thence S 49°41'53"E along the centerline of Sonoma Boulevard to the intersection of southeasterly line of Solano Boulevard and the True Point of Beginning.

Basis of Bearing is the Record of Survey, Recorded March 26, 1997 in Book 22 of Surveys at Page 23.

END OF DESCRIPTION

SEC. 2. As used in this act, the following definitions apply:

1 (a) “City” means the City of Vallejo, a municipal corporation  
2 of the State of California, in Solano County.

3 (b) “Kaiser Steel development area” means the land described  
4 in Section 1.

5 (c) “Public trust” means the public trust for commerce,  
6 navigation, and fisheries, water-oriented recreation, preservation  
7 of land in a natural state, and other public trust purposes.

8 (d) “Redevelopment agency” means the Vallejo  
9 Redevelopment Agency, a public body, corporate and politic.

10 (e) “Vallejo Granted Lands Trusts” means the statutory trust  
11 created by the grant of tide and submerged lands to the City of  
12 Vallejo in Chapter 310 of the Statutes of 1913, as amended.

13 SEC. 3. (a) The Legislature hereby finds and declares all of  
14 the following:

15 (1) Certain of the land within the Kaiser Steel development  
16 area were included within the perimeter descriptions of state sales  
17 of land to private parties by patents issued in 1867, 1868, and 1872.  
18 One patent states that it was issued pursuant to authority contained  
19 in Chapter 235 of the Statutes of 1858 and Chapter 314 of the  
20 Statutes of 1859. Two of the patents state that they were issued  
21 pursuant to authority contained in Chapter 397 of the Statutes of  
22 1863.

23 (2) Any and all remaining state public trust interests within  
24 tidelands patents issued to private parties within the Kaiser Steel  
25 development area, whether in fee or public trust easement, have  
26 been granted to the city subject to the public trust and certain other  
27 restrictions by the Vallejo Granted Lands Trust.

28 (3) In the 1920’s, the city initiated litigation entitled City of  
29 Vallejo v. Smith, et al. (Solano County Superior Court; Case No.  
30 7241) against private claimants of the tidelands patents within the  
31 Kaiser Steel development area, and alleged, among other things,  
32 that the patents were invalid because they included submerged  
33 land below ordinary low tide, and that title to that land could not  
34 and did not pass with state patents, and that title was held by the  
35 city pursuant to the Vallejo Granted Lands Trust. The State of  
36 California was not named a party in the City of Vallejo v. Smith,  
37 et al.

38 (4) There are unresolved issues concerning the geographic  
39 extent and boundaries of public trust and nonpublic trust title  
40 within the Kaiser Steel development area, the validity of

1 state-issued patents there, and whether land within the Kaiser Steel  
2 development area remains subject to the public trust and to the  
3 Vallejo Granted Lands Trust.

4 (5) This uncertainty of title limits the potential development of  
5 inland areas of the Kaiser Steel development area for nonpublic  
6 trust uses, and renders uncertain the creation of desirable public  
7 access, commercial recreation facilities, and other public trust uses  
8 near and along this portion of the city waterfront.

9 (6) It is intended that the resolution of these disputes and the  
10 consolidation and adjustment of public and private ownerships  
11 will be accomplished by and through an exchange of lands and  
12 boundary adjustment to the lands within the Kaiser Steel  
13 development area. These exchanges and adjustments shall be for  
14 the purpose of allowing nonpublic trust uses of lands no longer  
15 necessary for public trust purposes, while also establishing secure  
16 public trust title within the Kaiser Steel development area of land  
17 to be used for the purposes of the Vallejo Granted Lands Trust.

18 (7) The proposed exchange, agreement, or adjustment will not  
19 interfere with, and will, in fact, be consistent with and further the  
20 purposes of the public trust if all of the following occur, provided  
21 that the State Lands Commission first makes the following  
22 findings as part of any approval of an exchange, agreement, or  
23 adjustment:

24 (A) That the value of any land or interest in land to be conveyed  
25 and made subject to the public trust equals or exceeds the value of  
26 the land to be conveyed free of the public trust and in which the  
27 public trust is terminated pursuant to an exchange, agreement, or  
28 adjustment. If equal or greater economic value to the public trust  
29 is not achieved through a land exchange confirming public trust  
30 land within the Kaiser Steel development area, the value necessary  
31 in addition to that provided by the land exchange may be met by  
32 a contribution to the fund established by the Kapiloff Land Bank  
33 Act (Division 7 (commencing with Section 8600) of the Public  
34 Resources Code) for the purchase of other land to be made subject  
35 to the public trust.

36 (B) That the lands over which the public trust will be  
37 terminated within the Kaiser Steel development area have been  
38 filled and reclaimed, those parcels consisting entirely of dry land  
39 lying above the present mean high tide line, and are not necessary



1 in their public trust encumbered status for the purposes of the  
2 public trust, or for purposes of the Vallejo Granted Lands Trust.

3 (C) That the land over which the public trust will be terminated  
4 is not waterfront land, having been cut off from direct access to the  
5 waters of San Francisco Bay by past filling of intervening  
6 property.

7 (D) That streets in or serving the Kaiser Steel development area  
8 have provided, and will continue to provide, public pedestrian and  
9 vehicular access to the waterfront and to the public trust use areas  
10 established through the exchange.

11 (E) That the land over which the public trust will be terminated  
12 constitute a relatively small portion of the tide and submerged  
13 lands granted to the city.

14 (F) That the land over which the public trust will be terminated  
15 are no longer needed or required to further public trust purposes  
16 or the purposes of the Vallejo Granted Lands Trust, and the land  
17 to be acquired within the Kaiser Steel development area through  
18 the exchange will serve public trust purposes and needs.

19 (b) It is therefore the intent of the Legislature, subject to the  
20 terms and conditions set forth in this act, to authorize an agreement  
21 by the city, the redevelopment agency, and State Lands  
22 Commission, to enter into an exchange or exchanges of tide or  
23 submerged lands, or settlement regarding conflicting claims of  
24 ownership of lands within the Kaiser Steel development area, and  
25 by the agreement or settlement terminate the public trust over  
26 filled tidelands as described in any agreement within the Kaiser  
27 Steel development area, consistent with the findings and  
28 declarations stated in this act.

29 (c) Any agreement for the exchange of land or for trust  
30 termination of the land within the Kaiser Steel development area  
31 shall be conclusively presumed to be valid unless held to be invalid  
32 in a valid proceeding in a court of competent jurisdiction to  
33 determine the validity of the agreement commenced within 90  
34 days after the recording of the agreement.

35 SEC. 4. For purposes of effectuating an exchange, agreement,  
36 or adjustment referred to in Section 2, the State Lands Commission  
37 may do all of the following:

38 (a) Convey to the city or the redevelopment agency, by patent,  
39 any and all of the right, title, and interest held by the state by virtue  
40 of its sovereign trust title to tide and submerged lands, including

1 any public trust interest, in and to all of the historic tide and  
2 submerged lands within the Kaiser Steel development area that are  
3 no longer waterfront lands, are above the mean high tide line, and  
4 are not necessary for public trust purposes, subject to the  
5 reservations that the State Lands Commission determines to be  
6 appropriate.

7 (b) Receive and accept on behalf of the state in its sovereign  
8 capacity any land or any interest in land, conveyed to the state in  
9 its sovereign capacity pursuant to this act and pursuant to an  
10 exchange, agreement, or adjustment authorized by this act,  
11 including any contribution to the Kapiloff Land Bank Fund  
12 (Section 8610 of the Public Resources Code) for the purchase of  
13 public trust lands to be owned by the state and administered by the  
14 State Lands Commission.

15 (c) Convey to the city by patent all of the right, title, and interest  
16 of the state in any land conveyed to the state in its sovereign  
17 capacity within the Kaiser Steel development area pursuant to this  
18 act and to an exchange, agreement, or adjustment authorized by  
19 this act, subject to the Vallejo Granted Lands Trust, the public trust,  
20 and to the terms, conditions, and reservations that the State Lands  
21 Commission determines are necessary to meet the requirements of  
22 this act, the public trust, and the Vallejo Granted Lands Trust.

